

**CHAPTER 33—PREVENTION OF POLLUTION
FROM SHIPS**

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§ 1901. Definitions

(a) Unless the context indicates otherwise, as used in this chapter—

(1) “Administrator” means the Administrator of the Environmental Protection Agency;

(2) “Antarctica” means the area south of 60 degrees south latitude;

(3) “Antarctic Protocol” means the Protocol on Environmental Protection to the Antarctic Treaty, signed October 4, 1991, in Madrid, and all annexes thereto, and includes any future amendments thereto which have entered into force;

(4) “MARPOL Protocol” means the Protocol of 1978 relating to the International Convention for the Prevention of Pollution from Ships, 1973, and includes the Convention;

(5) “Convention” means the International Convention for the Prevention of Pollution from Ships, 1973, including Protocols I and II and Annexes I, II, V, and VI thereto, including any modification or amendments to the Convention, Protocols, or Annexes which have entered into force for the United States;

(6) “discharge”, “emission”, “garbage”, “harmful substance”, and “incident” shall have the meanings provided in the Convention;

(7) “navigable waters” includes the territorial sea of the United States (as defined in Presidential Proclamation 5928 of December 27, 1988) and the internal waters of the United States;

(8) “owner” means any person holding title to, or in the absence of title, any other indicia of ownership of, a ship or terminal, but does not include a person who, without participating in the management or operation of a ship or terminal, holds indicia of ownership primarily to protect a security interest in the ship or terminal;

(9) “operator” means—

(a) in the case of a ship, a charterer by demise or any other person, except the owner, who is responsible for the operation, manning, victualing, and supplying of the vessel, or

(b) in the case of a terminal, any person, except the owner, responsible for the operation of the terminal by agreement with the owner;

(10) “person” means an individual, firm, public or private corporation, partnership, association, State, municipality, commission, political subdivision of a State, or any interstate body;

(11) “Secretary” means the Secretary of the department in which the Coast Guard is operating;

(12) “ship” means a vessel of any type whatsoever, including hydrofoils, air-cushion vehicles, submersibles, floating craft whether self-propelled or not, and fixed or floating platforms;

(13) “submersible” means a submarine, or any other vessel designed to operate under water; and

(14) “terminal” means an onshore facility or an offshore structure located in the navigable waters of the United States or subject to the jurisdiction of the United States and used, or intended to be used, as a port or facility for the transfer or other handling of a harmful substance.

(b) For purposes of this chapter, the requirements of Annex V shall apply to the navigable waters of the United States, as well as to all other waters and vessels over which the United States has jurisdiction.

(c) For the purposes of this chapter, the requirements of Annex IV to the Antarctic Protocol shall apply in Antarctica to all vessels over which the United States has jurisdiction.

(Pub. L. 96-478, §2, Oct. 21, 1980, 94 Stat. 2297; Pub. L. 100-220, title II, §2101, Dec. 29, 1987, 101 Stat. 1460; Pub. L. 103-160, div. A, title X, §1003(f), Nov. 30, 1993, 107 Stat. 1748; Pub. L. 104-227, title II, §201(a), Oct. 2, 1996, 110 Stat. 3042; Pub. L. 110-280, §3, July 21, 2008, 122 Stat. 2611.)

REFERENCES IN TEXT

This chapter, referred to in text, was in the original “this Act”, meaning Pub. L. 96-478, Oct. 21, 1980, 94 Stat. 2297, known as the “Act to Prevent Pollution from Ships”, which is classified principally to this chapter. For complete classification of this Act to the Code, see Short Title note below and Tables.

Presidential Proclamation 5928, referred to in subsec. (a)(7), is set out under section 1331 of Title 43, Public Lands.

AMENDMENTS

2008—Subsec. (a). Pub. L. 110-280 added par. (1), redesignated pars. (1) to (5) as (2) to (6), respectively, in par. (5) substituted “V, and VI” for “and V”, in par. (6) substituted “discharge”, “emission”, “garbage”, “harmful substance”, and “incident” for “discharge” and “garbage” and “harmful substance” and “incident”, added par. (7), and redesignated pars. (6) to (12) as (8) to (14), respectively.

1996—Subsec. (a). Pub. L. 104-227, §201(a)(1), (2), added pars. (1) and (2) and redesignated former pars. (1) to (10) as (3) to (12), respectively.

Subsec. (c). Pub. L. 104-227, §201(a)(3), added subsec. (c).

1993—Subsec. (a)(9), (10). Pub. L. 103-160 added par. (9) and redesignated former par. (9) as (10).

1987—Subsec. (a). Pub. L. 100-220, §2101(1), designated existing provisions as subsec. (a).

Subsec. (a)(1). Pub. L. 100-220, §2101(2), amended par. (1) generally. Prior to amendment, par. (1) read as follows: “‘MARPOL Protocol’ means the Protocol of 1978 Relating to the International Convention for the Pre-